

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Docket No.: 07 CV 5885
LOUISE ROGERS TATE (Castel, J.)

Plaintiff,

ANSWER

-against-

NANA GHOSH, MICHAEL COHEN, MOHD D.
FARUGUE, ARISTISIDIS SHISMEROS,
WAI KWOK HA, GOLAM MORTUJA,
FRED WEINGGARTEN, and HILTON HOTELS
CORPORATION,

Defendant,

-----X
SIRS:

Defendant, ARISTIDIS SHISMENOS /s/h/a ARISTISIDIS SHISMEROS, by his
attorneys, Schirmer & Stathopoulos, P.C., answering the complaint of the plaintiff, upon
information and belief, sets forth as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in Paragraph "1" of the plaintiff's complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in Paragraph "2" of the plaintiff's complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in Paragraph "3" of the plaintiff's complaint.
4. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in Paragraph "4" of the plaintiff's complaint.
5. Denies each and every allegation contained in Paragraph "5" of the plaintiff's
complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of
the allegations contained in Paragraph "6" of the plaintiff's complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "7" of the plaintiff's complaint.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "8" of the plaintiff's complaint.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "9" of the plaintiff's complaint.
10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "10" of the plaintiff's complaint and refers all questions of law to this Honorable Court at the time of trial.

AS AND FOR A FIRST CAUSE OF ACTION

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "11" of the plaintiff's complaint.
12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "12" of the plaintiff's complaint.
13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "13" of the plaintiff's complaint.
14. Denies each and every allegation contained in Paragraph "14" of the plaintiff's complaint.
15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "15" of the plaintiff's complaint.
16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "16" of the plaintiff's complaint.
17. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "17" of the plaintiff's complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "18" of the plaintiff's complaint.
19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "19" of the plaintiff's complaint.
20. Denies each and every allegation contained in Paragraph "20" of the plaintiff's complaint.
21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "21" of the plaintiff's complaint.
22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "22" of the plaintiff's complaint.
23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "23" of the plaintiff's complaint.
24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "24" of the plaintiff's complaint.
25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "25" of the plaintiff's complaint.
26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "26" of the plaintiff's complaint.
27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "27" of the plaintiff's complaint.
28. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "28" of the plaintiff's complaint.
29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "29" of the plaintiff's complaint.

30. Denies each and every allegation contained in Paragraph "30" of the plaintiff's complaint in so far as this answering defendant is concerned.
31. Denies each and every allegation contained in Paragraph "31" of the plaintiff's complaint in so far as this answering defendant is concerned.
32. Denies each and every allegation contained in Paragraph "32" of the plaintiff's complaint in so far as this answering defendant is concerned.
33. Denies each and every allegation contained in Paragraph "33" of the plaintiff's complaint and refers all questions of law to this Honorable Court at the time of trial.
34. Denies each and every allegation contained in Paragraph "34" of the plaintiff's complaint and refers all questions of law to this Honorable Court at the time of trial.
35. Denies each and every allegation contained in Paragraph "35" of the plaintiff's complaint.
36. Denies each and every allegation contained in Paragraph "36" of the plaintiff's complaint.
37. Denies each and every allegation contained in Paragraph "37" of the plaintiff's complaint.
38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph "38" of the plaintiff's complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

39. That the injuries and damages to the plaintiff were caused in whole and/or part or were contributed to by the culpable conduct and want of care on the part of the plaintiff and any such alleged damages should be fully or partially

diminished by said culpable conduct and want of care pursuant to CPLR Article 14A.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

40. That upon information and belief, plaintiff has failed to meet the requirements set forth in Article 51 et seq. of the Insurance Law of the State of New York relating to the right to maintain an action.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

41. That upon information and belief, plaintiff failed to use the available seat belt and other safety devices provided in the said automobile and thus failed to mitigate or completely prevent plaintiff's injuries and damages.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

42. That the plaintiff received remuneration and/or compensation for some or all of her claimed economic loss and that the defendant is entitled to have plaintiff's award, if any, reduced by the amount of that remuneration and/or compensation, pursuant to Section 4545(c) of the CPLR.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

43. That the plaintiff failed to mitigate plaintiff's damages.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

44. That the defendant was suddenly confronted with, and was called upon to react in, an emergency situation not created by the defendant's own actions.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

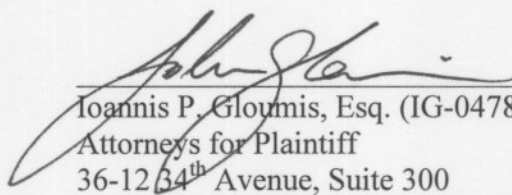
45. This Court lacks jurisdiction over the persons and issues in this lawsuit.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

46. This Court lacks jurisdiction over this answering defendant upon the grounds of improper, ineffective and/or defective service of process.

Dated: Long Island City, New York
December 12, 2007

Yours, etc.,
Schirmer & Stathopoulos, P.C.



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LOUISE ROGERS TATE

DOCKET NO.: CV 07 5885

Plaintiff

- against-

NANA GHOSH, MICHAEL COHEN, MOHD D.
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CORPORATION,

Defendant(s)
-----X

ANSWER

SCHIRMER & STATHOPOULOS, P.C.

Attorneys for Defendant

Aristidis Shismeros

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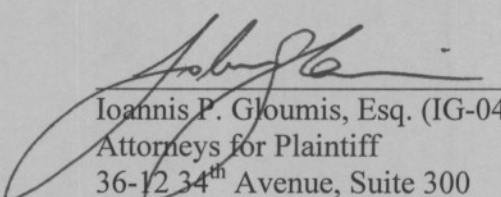
(718) 707-2915

Service of a copy of the within is hereby admitted.

Dated,

Attorney(s) for

.....
Yours, etc.,
Schirmer & Stathopoulos, P.C.


Ioannis P. Gloumis, Esq. (IG-0478)

Attorneys for Plaintiff

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